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At last, Deborah Cook will get a hearing on her nomination to the federal bench. Her critics should get to know her

BODY:

Tour the Web sites of various liberal interest groups, from the National Organization for Women to the Alliance for Justice, and you will discover how easily nominees for the federal courts can be caricatured. In recent months, Justice Deborah Cook of the Ohio **Supreme Court** has been a target.

Members of the Senate Judiciary Committee considering her nomination to the 6th U.S. Circuit Court of Appeals should work their way past the political slogans. They will find a judge conservative in the traditional sense. She follows the principle of judicial restraint, ruling as the law is, not as she would like the law to be. Justice Cook has waited 18 months for a hearing on her nomination. The day appears in sight, perhaps as early as Jan. 14. Cook was among the first judicial nominees of President Bush, one of 11 who gathered at the White House on a spring day to demonstrate the new administration's drive to fill vacancies on the federal bench.

Put aside that those vacancies reflected the delaying tactics of Senate Republicans during the Clinton years. Cook and the others have encountered obstacles constructed by Democrats. The November elections altered the political landscape. Republicans run the Senate and the White House. Nominations are set to move forward.

That doesn't mean critics shouldn't howl when the president opts for a nominee with excessive baggage, say, one more comfortable in a debating society than on the federal bench. Bill Clinton took the cue, avoiding ideologues and sending many impressive nominees to Capitol Hill. President Bush should keep in mind his slight margin of victory and the narrow Republican majority in the Senate.

Cook critics point to her membership in the Federalist Society, a group of conservative lawyers and academics that includes many who advocate countering liberal activists with their own brand of activism. Critics also note the many times Cook has dissented on the Ohio **Supreme Court**, contending she is out of the mainstream.

Those who watch the Ohio high court know Cook is no ideologue. She has been a voice of restraint in opposition to a court majority determined to chart an aggressive course, acting as problem-solvers (as ward pols) more than jurists. Cook has been accused of advocating the elimination of protections for employee whistleblowers. In truth, she objected to the majority acting as a superlegislature, practicing public policy in the form of judicial rulings.

In another instance, Cook disagreed with the majority because she rightly thought it necessary to have expert medical testimony to establish whether a cancer qualified as a disability under the law. When the majority ruled that managers and supervisors could be sued individually for acts of sexual harassment and discrimination, she noted the glaring departure from the defining federal law.

Are these "pro-business" rulings on her part? That would be the caricature. More accurately, they are precise readings of the law. Indeed, in eight years on the Ohio **Supreme Court** and four on the state appeals court, Cook has consistently produced reasoned and careful analysis.

The argument might be made that we are simply cheering for an Akron resident. We've differed with Justice Cook too many times on school funding and other matters. President Bush won the election. Republicans control the Senate. They have a wide range of candidates for the federal bench. In Deborah Cook, they have a judge most deserving of confirmation, one dedicated to judicial restraint.

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